

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention MITOQUINONE DERIVATIVES USED AS MITOCHONDRIALLY TARGETED ANTIOXIDANTS

As the below named inventor(s), I/we declare that:

This declaration is directed to:

☐ The attached application, or

☒ U.S. Application No. 10/568,655, Int'l Application No. PCT/NZ2004/000196, Int'l filing date August 23, 2004,

☐ as amended on _____ (if applicable);

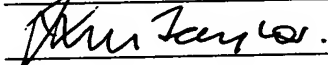
I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

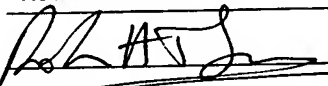
I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Kenneth Martin Taylor Citizen of: New Zealand
Signature:  Date: 8/25/06

Inventor two: Robin A.J. Smith Citizen of: New Zealand
Signature:  Date: 2/18/06

Inventor three: _____ Citizen of: _____
Signature: _____ Date: _____

Inventor four: _____ Citizen of: _____
Signature: _____ Date: _____

Inventor five: _____ Citizen of: _____
Signature: _____ Date: _____

☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

ELECTION AND POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM	Application Number	10/568,655
	Int'l Filing Date	August 23, 2004
	First Named Inventor	Kenneth Martin Taylor
	Title	MITOQUINONE DERIVATIVES USED AS MITOCHONDRIALLY TARGETED ANTIOXIDANTS
	Art Unit	
	Examiner Name	
	Attorney Docket Number	110199.404USPC

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☒ Practitioners at Seed IP Law Group PLLC, Customer Number: **00500**

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above (and any continuation/divisional applications therefrom), and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		ZIP	
Country					
Telephone		Email			

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ As assignee of record of the entire interest I/we hereby elect, under 37 CFR 3.71, to prosecute the application to the exclusion of the inventor(s).

SIGNATURE of Applicant or Assignee of Record

Signature			Date	8/29/06
Name	Kenneth Martin Taylor <i>Kenneth Taylor</i>			
Title and Company (Assignee)	Chief Executive Officer Antipodean Pharmaceuticals, Inc.			

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Kenneth Martin Taylor et al.
 Application No./Patent No.: 10/568,655 Int'l Filing Date: August 23, 2004
 Entitled: MITOQUINONE DERIVATIVES USED AS MITOCHONDRALLY TARGETED
ANTIOXIDANTS

Antipodean Pharmaceuticals, Inc.

(Name of Assignee)

a

corporation(Type of Assignee, e.g., corporation, partnership,
university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
 2. ☐ an assignee of less than the entire right, title and interest.
 The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.
 The assignment was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the
 current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

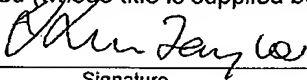
The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the
 original owner to the assignee was, or concurrently is being, submitted for recordation
 pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment
 Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See
 MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

8/29/06

Date

Kenneth Martin Taylor

Typed or printed name

Chief Executive Officer

Title

COPY

ASSIGNMENT

WHEREAS, we, Kenneth Martin Taylor and Robin A.J. Smith (hereinafter referred to as ASSIGNORS), having mailing addresses of 51 Marine Parade, Herne Bay, Auckland, New Zealand 1001 and 20 Lynn Street, Dunedin, New Zealand 9001, respectively, are the joint inventors of an invention entitled "MITOQUINONE DERIVATIVES USED AS MITOCHONDRIALLY TARGETED ANTIOXIDANTS," as described and claimed in the specification for which an application for United States letters patent was filed and assigned Application No. 10/568,655. This application is a national stage application filed under 35 U.S.C. 371 of International Application No. PCT/NZ2004/000196, accorded an International Filing Date of August 23, 2004;

WHEREAS, Antipodean Pharmaceuticals, Inc. (hereinafter referred to as ASSIGNEE), a corporation of the State of Delaware, having a usual place of business at 1700 Montgomery Street, Suite 209, San Francisco, California 94111, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and, in any and all divisions, reissues and continuations thereof, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States letters patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

Date 8/25/06

Kenneth Martin Taylor
Kenneth Martin Taylor

I certify that I know or have satisfactory evidence that Kenneth Martin Taylor signed this instrument of his/her own free will, as a voluntary act for the uses and purposes mentioned in the instrument.

Date 8/25/06
(Type or Print)
Charlotte Merckel
(Type or Print Name of Witness)

Signed at San Francisco, CA
[Signature]
(Signature of Witness)

Date 21/8/06

[Signature]
Robin A.J. Smith

I certify that I know or have satisfactory evidence that Robin A.J. Smith signed this instrument of his/her own free will, as a voluntary act for the uses and purposes mentioned in the instrument.

Date 21/8/06
(Type or Print)
Theresa Renault
(Type or Print Name of Witness)

Signed at Dunedin, New Zealand
[Signature]
(Signature of Witness)